

ASSEMBLY BILL NO. 168—ASSEMBLYWOMEN DONDERO LOOP
AND KIRKPATRICK

FEBRUARY 16, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the formation of
general improvement districts. (BDR 25-846)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets [omitted-material] is material to be omitted.

AN ACT relating to general improvement districts; revising the
provisions governing the formation of a general
improvement district; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a board of county commissioners cannot begin the
2 organization of a general improvement district that includes any real property
3 within 7 miles from the boundary of an incorporated city or unincorporated town
4 unless one of four conditions is met. (NRS 318.055) This bill allows a board of
5 county commissioners to begin the organization of a general improvement district
6 that includes real property within 7 miles from the boundary of an unincorporated
7 town with a town advisory board or citizens' advisory council without meeting one
8 of the four existing conditions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 318.055 is hereby amended to read as follows:
2 318.055 1. The formation of a district may be initiated by:
3 (a) A resolution adopted by the board of county commissioners;
4 or
5 (b) A petition proposed by any owner of property to be located
6 in the district.
7 2. After adoption of the resolution or receipt of the petition the
8 organization of the district must be initiated by the adoption of an



ordinance by the board of county commissioners, which is in this chapter sometimes designated the “initiating ordinance.” No initiating ordinance may be adopted by the board of county commissioners if the proposed district includes any real property within 7 miles from the boundary of an incorporated city or unincorporated town unless:

(a) All members of the board of county commissioners unanimously vote for the organization of a district with boundaries which contravene this 7-mile limitation;

(b) A petition for annexation to or inclusion within the incorporated city or unincorporated town of that property has first been filed with the governing body of the incorporated city or unincorporated town pursuant to law and the governing body thereof has refused to annex or include that property and has entered the fact of that refusal in its minutes;

(c) No part of the area within the district is eligible for inclusion in a petition for such an annexation; ~~for~~

(d) The governing body of the incorporated city or the town board of the unincorporated town, by resolution, consents to the formation of the district ~~for~~; or

(e) That property is within 7 miles of an unincorporated town with a town advisory board or citizens’ advisory council but is not within 7 miles of an incorporated city or unincorporated town with a town board.

3. Except as is otherwise provided in this chapter, a district may be entirely within or entirely without, or partly within and partly without, one or more municipalities or counties, and the district may consist of noncontiguous tracts or parcels of property.

4. The initiating ordinance must set forth:

(a) The name of the proposed district, consisting of a chosen name preceding the word “District,” or, if the district is authorized to exercise more than one basic power, the words “General Improvement District.” If a district’s name as provided in the organizational proceedings does not include the words “General Improvement,” and if subsequently any additional basic power is granted to the district pursuant to NRS 318.077, the board of county commissioners may redesignate the district with a chosen name preceding the words “General Improvement District.”

(b) A statement of the basic power or basic powers for which the district is proposed to be created (for instance, by way of illustration, “for paving, curb and gutters, sidewalks, storm drainage and sanitary sewer improvements within the district”). The basic power or basic powers stated in the initiating ordinance must be one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter designated therein.



(c) A statement that the ordinance creating the district will be based on the board's finding:

(1) That public convenience and necessity require the creation of the district;

(2) That the creation of the district is economically sound and feasible;

(3) That the service plan for the district conforms to subsection 1 of NRS 308.030; and

(4) That the service plan for the district does not contravene any of the criteria enumerated in subsection 1 of NRS 308.060.

(d) A general description of the boundaries of the district or the territory to be included therein, with such certainty as to enable an owner of property to determine whether his or her property is within the district.

(e) The place and time for the hearing on the creation of the district.

